

CRIME

Crisis of Silence

Nobody loves an informer. But in fighting organized crime, the Government needs professional informers to provide courtroom testimony; most other witnesses are reluctant to give it because it is axiomatic that in certain cases a short memory means a longer life. That is why federal prosecutors have cherished an obscure but highly talkative New York labor lawyer named Herbert Itkin. Currently, Itkin is creating a crisis for the law enforcers.

Until 1967, Itkin was an FBI and Justice Department informer, operating among Mafia families. He surfaced two years ago to testify in the successful prosecution of a graft case in New York. Since then, he has helped convict or indict more than 20 other mobsters. According to federal authorities, Itkin's intelligence could produce another 30 separate racketeering cases against about 50 defendants. But since May, Itkin has refused to testify—for bizarre reasons that oddly illuminate the worlds of both crime and law enforcement.

Opaque Logic. After his cover was destroyed by his 1967 court appearance, Itkin and his present wife were placed in protective custody. Later, the Government provided the same protection for Itkin's former wife and their four children. As he finished testimony in a case last spring, Itkin was warned by parties unknown that if he made any further appearances, his wife's two sons by a previous marriage would be "crippled." Itkin naturally expected the usual protection to be granted to the two boys, Scot Hersh, 12, and Bret, 11. But so far this has been refused. The biggest obstacle has been the opaque logic



ITKIN

An unused spy.

of the Westchester County Family Court, which at one point sanctioned security arrangements for the youngsters. That decision was inexplicably revoked after 29 days. Three county judges have ruled separately on the case, rebuffing the Government's plea for assistance.

Unplush Life. Trapped in legal wrangling and worried about the boys, Itkin, 43, appears gaunt and sallow these days. The glamour (or what he regarded as glamour) of his crisis-laden career has faded. Fresh from Brooklyn Law School in 1954, Itkin began his undercover activities almost immediately as an informant for Senator Joseph McCarthy. The McCarthy connection led to an introduction to Allen Dulles, then Central Intelligence Agency director. Itkin joined the agency and was used mainly as a payoff man in Britain and in the Caribbean. "In the 1960s, I began to meet hoods," he recalls. "They were the best source of information in the Caribbean." While working with the CIA, Itkin managed to maintain a lucrative law practice. In fact, his CIA connections lengthened his list of clients and for a while he was making \$60,000 a year. Then, at the CIA's suggestion, he began cooperating with the FBI because of his developing contacts with gangsters. Itkin became a wheeler-dealer within Mafia circles, functioning, for instance, as a middleman and graft collector on loans made by Teamsters Union pension funds. He would pass on a percentage to the gangsters, while keeping a cut for himself.

Now he and his wife live on a military post, where they can use officers' recreational facilities if they wish. Federal marshals provide round-the-clock guard service. It is a frustrating life the product of his years of spying is unused. "Are we waging a war on crime or aren't we?" he asks. The answer on the Itkin front, at least, seems to be no. Still vulnerable, one of the Government's high-powered informers remains silent.